

**TENTH DAY**

(Wednesday, January 26, 1955)

The Senate met at 11:00 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called and the following Senators were present:

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

**Absent—Excused**

Owen

A quorum was announced present.

Reverend W. H. Townsend, Chaplain, offered the invocation as follows:

Our Father, as the rivers run to the ocean, and the flowers turn to the sun, so may all our minds and hearts turn to Thee; for Thou hast made us for Thyself, and we are restless until we rest in Thee. Make us strong enough to overcome evil, and wise enough to let the good master us. For Christ's sake. Amen.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

**Addition to Standing Committee**

The President announced the appointment of the following addition to Standing Committees:

Senator Kelley to the Committee on Insurance.

**Presentation of Guests**

Senator Rogers of Travis by unanimous consent presented the students of the Brooke School of Austin and Teacher Mrs. Irwyn Cummings to the Members of the Senate.

**Reports of Standing Committees**

Senator Lane submitted the following report:

Austin, Texas  
January 25, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred S. B. No. 39, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANE, Chairman.

Senator Rogers of Travis submitted the following report:

Austin, Texas  
January 25, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred S. B. No. 13, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do not pass but that the substitute adopted in lieu thereof do pass and be printed.

ROGERS of Travis, Chairman.

C. S. S. B. No. 13 was read first time.

Senator Kazen submitted the following report:

Austin, Texas  
January 26, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Criminal Jurisprudence, to whom referred S. B. No. 58, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KAZEN, Chairman.

**Message from the House**

Hall of the House of Representatives,

Austin, Texas  
January 26, 1955

Hon. Ben Ramsey, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

H. C. R. 12 Adopting the permanent Joint Rules of the House and Senate for the Fifty-fourth Legislature.

H. C. R. 16 Proclaiming sympathy and friendship for the oppressed people of Russia who are being held in human bondage by their Communist Government and cautioning the Russian people against any premature uprising against the Soviet Government.

Respectfully submitted,  
DOROTHY HALLMAN,  
Chief Clerk, House of Representatives.

#### Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Lock:

S. B. No. 105, A bill to be entitled "An Act creating the Texas Commission on Higher Education; providing for the appointment and organization of such Commission; authorizing said Commission to employ a Director and other necessary personnel; providing for advisors to said Commission; providing certain duties of said Commission; providing a repealing clause; and declaring an emergency."

To the Committee on Educational Affairs.

By Senator Parkhouse:

S. B. No. 106, A bill to be entitled "An Act amending Article 307A of the Revised Civil Statutes of this State, Added Acts of 1943, 48th Leg., p. 397, Ch. 268, Sect. 1, relating to law licenses granted to graduates of the law schools of certain universities entering military service, so as to provide the same rights to graduates of certain law schools entering the employ of the Federal Bureau of Investigation and declaring an emergency."

To the Committee on State Affairs.

By Senator Parkhouse:

S. B. No. 107, A bill to be entitled "An Act amending Article 307B of the Revised Civil Statutes of this State, Added Acts 1947, 50th Leg., p. 504, ch. 298, sec. 1, providing for exemption from the requirements of passage of the State Bar Examination as to any subject or subjects

which the candidate has satisfactorily passed prior to entering the Military Service or Merchant Marine Service, or the service of the Federal Bureau of Investigation, in certain law schools provided such applicants are graduates of such law schools, so as to provide the same rights to graduates serving with the Federal Bureau of Investigation, and declaring an emergency."

To the Committee on State Affairs.

By Senator Shireman:

S. B. No. 108, A bill to be entitled "An Act relating to the construction, acquisition, and equipment of buildings and other structures and additions to buildings and other structures by the Board of Regents of the several junior colleges districts heretofore or hereafter organized; providing for the fixing of fees for the use thereof and other revenue producing buildings, structures and other property; providing for the issuance of negotiable revenue bonds and notes for certain purposes and providing for the securing of such obligations, and providing and assuring the adequacy of such pledged income, containing a severance clause, enacting other provisions related to the subject and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 109, A bill to be entitled "An Act relating to workmen's compensation; amending Section 15a of Article 8306, Revised Civil Statutes, as amended, and Chapter 248, Acts of the 42nd Legislature, Regular Session, as amended, so as to make these statutes apply to compensation payable under any law enacted pursuant to Section 59, Section 60, or Section 61 of Article III of the Constitution of Texas; repealing conflicting laws; and declaring an emergency."

To the Committee on State Affairs.

By Senator Willis:

S. B. No. 110, A bill to be entitled "An Act amending Section 2 of Chapter 8, Acts of the Fifty-first Legislature, First Called Session, 1950, so as to fix the penalty for conviction of the offense described in Section 1 of said Chapter 8 at confinement in the penitentiary for any term not to exceed ten (10) years; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Willis:

S. B. No. 111, A bill to be entitled "An Act amending Section 2 of Chapter 9, Acts of the Fifty-first Legislature, First Called Session, 1950, so as to fix the punishment for conviction of the offense described in Section 1 of said Chapter 9 at confinement in the penitentiary for any term not to exceed fifteen (15) years; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Willis:

S. B. No. 112, A bill to be entitled "An Act amending Section 3 of Chapter 12, Acts of the Fifty-first Legislature, First Called Session, 1950, so as to fix the punishment for conviction of the offense described in said Chapter 12 at confinement in the penitentiary for any term not to exceed twenty-five (25) years; and declaring an emergency."

To the Committee on Criminal Jurisprudence.

By Senator Strauss:

S. B. No. 113, A bill to be entitled "An Act amending Article 1641, of the Revised Civil Statutes of Texas of 1925, so as to give the Commissioners' Court authority to require that an annual or biennial independent audit be made of all county books, records and accounts of district, county, and precinct officers, agents, or employees, including regular auditors of the counties and all governmental units of the county, hospitals, farms, and other institutions of the county and all matters pertaining to the fiscal affairs of the county; providing that this authority shall be in addition to the emergency powers now granted to commissioners' courts by Article 1641; providing the method of contracting for the audit, the powers and duties of the Commissioners' Court and the county auditor in connection with the special audit; and declaring an emergency."

To the Committee on State Affairs.

By Senator Fuller:

S. B. No. 114, A bill to be entitled "An Act amending Article 17, Chapter 492, p. 1097, Acts of the 52nd Legislature, 1951, being codified as Article 3.03 of the Election Code, Vernon's Civil Statutes, and pertaining to the qualifications of election judges and clerks."

To the Committee on Privileges and Elections.

By Senator Aikin:

S. B. No. 115, A bill to be entitled "An Act making a supplementary appropriation for the fiscal year beginning September 1, 1953, and for the fiscal year beginning September 1, 1954, to pay the per capita apportionment to public junior colleges provided for in Section IV of Chapter 81, Acts of the Regular Session of the 53rd Legislature, and declaring an emergency."

To the Committee on Finance.

By Senator Aikin:

S. B. No. 116, A bill to be entitled "An Act fixing the maximum rate of tax to be levied for maintenance purposes in school districts in Texas to an amount not to exceed One Dollar and Fifty Cents (\$1.50) on the One Hundred Dollars (\$100.00) property valuation; providing for a vote of the people before such tax may be levied; providing for the issuance of bonds for the purchase, construction, repair, or equipment of public free schools not to exceed ten per cent (10%) of the total tax valuation of the district; and providing that said districts may levy ad valorem taxes in an amount sufficient to pay the interest on and principal of all bonds heretofore issued or heretofore voted but unissued, or hereafter issued for such purpose; providing for a vote of the people before such bonds may be issued or such tax rates levied; repealing Senate Bill No. 373, Acts 1947, 50th Legislature, Chapter 314, page 534 (Article 2784e); and repealing all laws and parts of laws in conflict insofar as they are in conflict; and declaring an emergency."

To the Committee on State Affairs.

By Senator Kazen:

S. B. No. 117, A bill to be entitled "An Act authorizing certain home rule cities owning a portion of an international bridge over the Rio Grande to issue revenue bonds payable from net revenues of such bridge for the purpose of providing funds to construct capital improvements to such bridge; to pledge the net revenues and secure by trust indenture or supplement any existing trust indenture; authorizing parity revenue bonds for such purposes and the execution of a trust indenture or sup-

plement further securing the bonds; validating any bonds authorized and proceedings passed or executed in connection therewith on or prior to effective date of this act; providing a severability clause; providing that no such bonds or proceedings shall be validated if litigation is pending questioning any such bonds or proceedings on the effective date of this act; and declaring an emergency."

To the Committee on State Affairs.

By Senator Martin:

S. B. No. 118, A bill to be entitled "An Act authorizing the formation of private corporations to provide for the mutual protection of members of voluntary non-profit poultry associations and to promote the welfare of the poultry industry; providing the amount of fee to be paid by such corporation for filing each charter, amendment or supplement; exempting such corporations from payment of franchise tax; and declaring an emergency."

To the Committee on State Affairs.

By Senator Secrest:

S. B. No. 119, A bill to be entitled "An Act relating to the equipment of rail track motor cars used or furnished by common carriers by railroad for transporting employes; providing for the extension of necessary time in which to equip said cars; and penalizing those carriers who operate or furnish for operation such unequipped cars to their employes for transportation to or from their places or labor."

To the Committee on State Highways and Motor Traffic.

By Senator Hazlewood:

S. B. No. 120, A bill to be entitled "An Act validating certain proceedings of home rule cities amending their home rule charters, validating the election proceedings whereby officials of such city have taken office, validating certain acts of such governing board of such city; providing that the act shall not be applicable where litigation is pending at the time of the effective date of the act where litigation is ultimately determined against the validity of such amendment; providing a savings clause; and declaring an emergency."

To the Committee on State Affairs.

#### Senate Bill 41 on Second Reading

Senator Secrest moved that Senate Rules 116 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 41 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	Moffett
Ashley	Moore
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Weinert
McDonald	Willis

Absent

Bracewell	Wagonseller
Hazlewood	

Absent—Excused

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 41, A bill to be entitled "An Act authorizing cities to hold an election to authorize the use of the proceeds of sale of bonds for other purposes where the purpose for which the bonds were voted has been accomplished by other means or has been abandoned; containing a saving clause; and declaring an emergency."

The bill was read second time and was passed to engrossment.

#### Senate Bill 41 on Third Reading

Senator Secrest moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. 41 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—28

Aikin	Ashley
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Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss
Martin	Wagonseller
McDonald	Weinert
Moffett	Willis
Moore	

**Absent**

Bracewell	Hazlewood
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**Absent—Excused**

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

**Yeas—28**

Aikin	Moore
Ashley	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis
Moffett	

**Absent**

Bracewell	Hazlewood
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**Absent—Excused**

Owen

**Co-Authors of Senate Joint Resolution 3**

On motion of Senator Ashley and by unanimous consent, Senators Wagonseller and Kelley were added as co-authors of S. J. R. No. 3.

**Presentation of Guests**

Senator Rogers of Childress by unanimous consent presented the Honorable Marshall Formby, former Senator of Hereford, Texas, and at

present a Member of the State Highway Commission to the Members of the Senate.

**Senate Bill 75 on Second Reading**

Senator Wagonseller moved that Senate Rules 116 and 38 and Section 5 of Article 111 of the State Constitution be suspended and that S. B. No. 75 be taken up for consideration at this time.

The motion prevailed by the following vote:

**Yeas—29**

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

**Absent**

Hazlewood

**Absent—Excused**

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 75, A bill to be entitled "An Act authorizing and empowering the Board of Directors of the Agricultural and Mechanical College of Texas, acting by the Chancellor thereof, to execute and deliver a deed to certain land in Denton County, Texas, conveying said land to the Gulf, Colorado and Santa Fe Railway Company; etc., and declaring an emergency."

The bill was read second time and was passed to engrossment.

**Senate Bill 75 on Third Reading**

Senator Wagonseller moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 75 be placed on its third reading and final passage.

The motion prevailed by the following vote:

## Yeas—29

Aikin	Moffett
Bracewell	Moore
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

## Absent

Ashley

## Absent—Excused

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

## Yeas—30

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

## Absent—Excused

Owen

## House Concurrent Resolution 16 on Second Reading

Senator Strauss moved that Senate Rules 116 and 38 and Section 5 of Article III of the State Constitution be suspended and that H. C. R. No. 16 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—27

Aikin	Moffett
Bracewell	Parkhouse
Colson	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Shireman
Latimer	Strauss
Lock	Wagonseller
Martin	Weinert
McDonald	Willis

## Absent

Ashley  
Corbin

Moore

## Absent—Excused

Owen

The President laid before the Senate on its second reading the following resolution:

H. C. R. No. 16 Proclaiming sympathy and friendship for the oppressed people of Russia, etc.

The resolution was read second time and was adopted.

## Senate Concurrent Resolution 5 on Second Reading

Senator Willis moved that Senate Rules 116 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. C. R. No. 5 be taken up for consideration at this time.

The motion prevailed by the following vote:

## Yeas—30

Aikin	Martin
Ashley	McDonald
Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Shireman
Lock	Strauss

Wagonseller Willis  
Weinert

Absent—Excused

Owen

The President laid before the Senate on its second reading the following resolution:

S. C. R. No. 5, Granting H. T. Bibb permission to sue the State of Texas.

The resolution was read second time and was adopted by the following vote:

Yeas—30

Aikin	Moffett
Ashley	Moore
Bracewell	Parkhouse
Colson	Phillips
Corbin	Ratliff
Fly	Roberts
Fuller	Rogers
Hardeman	of Childress
Hazlewood	Rogers of Travis
Kazen	Secrest
Kelley	Shireman
Lane	Strauss
Latimer	Wagonseller
Lock	Weinert
Martin	Willis
McDonald	

Absent—Excused

Owen

#### Senate Bill No. 63 on Second Reading

Senator Ashley moved that Senate Rules 116 and 38 and Section 5 of Article III of the State Constitution be suspended and that S. B. No. 63 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—27

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Martin	Weinert

Nays—3

Lock Willis  
Shireman

Absent—Excused

Owen

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 63, A bill to be entitled "An Act to amend Article 306, Revised Civil Statutes, State of Texas, revision of 1925, providing standards of approval for law schools in Texas; approving existing law schools; prohibiting delegation of authority granted the Supreme Court; and declaring an emergency."

The bill was read second time.

Senator Bracewell offered the following amendment to the bill:

Amend S. B. 63 by deleting from the last paragraph of Section 1 the following sentence:

"Law schools within the state whose students are presently permitted to take such examination are hereby designated as approved law schools and shall remain approved so long as the standards established by this paragraph are maintained."

The amendment was adopted.

On motion of Senator Ashley and by unanimous consent, the caption was amended to conform to the body of the bill, as amended.

The bill as amended was passed to engrossment.

#### Record of Vote

Senator Willis asked to be recorded as voting "nay" on the passage of S. B. 63 to engrossment.

#### Senate Bill No. 63 on Third Reading

Senator Ashley moved that Senate Rule 32 and the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 63 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—27

Aikin	Ashley
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Bracewell	Moffett
Colson	Moore
Corbin	Parkhouse
Fly	Phillips
Fuller	Ratliff
Hardeman	Roberts
Hazlewood	Rogers
Kazen	of Childress
Kelley	Rogers of Travis
Lane	Secrest
Latimer	Strauss
Martin	Wagonseller
McDonald	Weinert

Nays—3

Lock	Willis
Shireman	

Absent—Excused

Owen

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—27

Aikin	McDonald
Ashley	Moffett
Bracewell	Moore
Colson	Parkhouse
Corbin	Phillips
Fly	Ratliff
Fuller	Roberts
Hardeman	Rogers
Hazlewood	of Childress
Kazen	Rogers of Travis
Kelley	Secrest
Lane	Strauss
Latimer	Wagonseller
Martin	Weinert

Nays—3

Lock	Willis
Shireman	

Absent—Excused

Owen

Recess

On motion of Senator Moffett, the Senate, at 11:56 o'clock a. m., took recess until 11 o'clock a. m. tomorrow.

**TENTH DAY**

(Continued)

(Thursday, January 27, 1955)

**After Recess**

The Senate met at 11 o'clock a. m.

and was called to order by the President.

**Reports of Standing Committees**

By unanimous consent, Senator Hardeman submitted the following reports:

Austin, Texas,  
January 27, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 57, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

Austin, Texas,  
January 27, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred S. B. No. 109, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass and be printed.

HARDEMAN, Chairman.

By unanimous consent, Senator Shireman submitted the following reports:

Austin, Texas,  
January 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 79, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.

Austin, Texas,  
January 26, 1955.

Hon. Ben Ramsey, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred S. B. No. 96, have had the same under consideration, and we are instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SHIREMAN, Chairman.